

**Enrolled Minutes of the Sixteenth Regular or Special Meeting  
For the Twenty-Eighth Highland Town Council  
Regular Plenary Business Meeting  
Monday, July 25, 2016**

*Study Session.* The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 25, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.

The study session ended at 7:00 O'clock p.m.

*Regular meeting.* The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, July 25, 2016 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steven Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Esq., Town Attorney; Pete Hojnicky, Metropolitan Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; David Byers, Recreation Director; and Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

*Also present:* Ed Dabrowski, IT Consultant (Contract) and Redevelopment Commissioner; and Susan Murovic of the Advisory Board of Zoning Appeals were also present.

**Minutes of the Previous Meetings:** The minutes of the regular meeting of July 11, 2016 were approved by general consent.

**Unfinished Business and General Orders:**

1. **Introduced Ordinance No. 1627:** An Ordinance To Amend Chapter 14.10 of the Highland Municipal Code Regarding the Redevelopment Department, All Pursuant To I.C. 36-1-5 and I.C. 36-7-14 Et Seq. *Councilor Vassar introduced and filed the ordinance at the Town Council meeting of June 27, 2016. There was no further action. (The Town Council may wish to delay consideration to allow further deliberation regarding the enactment of electronic meetings. The matter was postponed from the Town Council meeting of July 11, 2016.)*

Councilor Wagner moved the passage and adoption of Introduced Ordinance No. 1627. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Vassar, Wagner, Kuiper and Zemen voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The ordinance was adopted.

ORDINANCE No. 1627  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND CHAPTER 14.10 OF THE HIGHLAND MUNICIPAL CODE REGARDING THE REDEVELOPMENT DEPARTMENT, ALL PURSUANT TO I.C. 36-1-5 AND I.C. 36-7-14 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, IC 36-7-4 specifically provides that a unit of local government shall govern planning and development according to its terms and provisions;

WHEREAS, The Town Council has previously adopted the provisions of IC 36-7-14 establishing a redevelopment commission;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission to be an exercise of local authority consistent with the provisions of IC 36-7-14 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission would further perfect the municipal code by selectively adopting statutory text; and

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a technical and substantive modification to Chapter 14.10 in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 14.10.020 of the Highland Municipal Code is hereby repealed in its entirety and amended by successor Section, which shall be identified as Section 14.10.020 and read as follows:

**14.10.020 Establishment of the redevelopment department.**

(A) There is established a department of redevelopment in the town, to be controlled by and pursuant to the provisions of I.C. 36-7-14-1 through ~~36-7-14-4.2~~, I.C. 36-7-14-52 as may be amended from time to time. The department is composed of the Highland redevelopment commission and such persons it may employ.

(B) The redevelopment commission consists of five members, as follows:

(1) The town council shall appoint two persons, who must be at least 18 years of age and must be residents of the town.

(2) The town council president, as municipal executive, shall appoint three persons, who must be at least 18 years of age and must be residents of the town.

(3) **The town council president as municipal executive shall also appoint an individual to serve as a non-voting advisor who shall serve subject to the following:**

(a) **The nonvoting advisor must be a member of the Town Board of School Trustees of the School Town of Highland or an individual recommended by it to the Town Council President as municipal executive;**

- (b) The nonvoting advisor is not considered a member of the redevelopment commission for purposes of Chapter 14.10 but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;
- (c) The nonvoting advisor is not entitled to a salary, per diem, or reimbursement of expenses;
- (d) The non voting advisor serves for a term of two (2) years, commencing from July 1 and until a successor is appointed; and
- (e) The nonvoting advisor serves at the pleasure of the Town Council President as municipal executive, the appointing authority.

(C) Subject to IC 36-7-14-3.5, all of the territory within the corporate boundaries of the town constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in IC 36-7-14. All of the taxable property within a taxing district is considered to be benefited by redevelopment projects carried out under IC 36-7-14 and 36-7-25 to the extent of the special taxes levied under the authority of IC 36-7-14 and 36-7-25.

Section 2. That Highland Municipal Code is hereby amended by the addition of a new section, 14.10.65, which shall be identified and read as follows:

**14.10.65 Authority for electronic meetings.**

- (A) The commission may conduct meetings electronically as provided in IC 36-7-14.5-9.5 and the definitions of I.C. 5-14-1.5, commonly known as the Open Meetings Act, shall still apply.
- (B) A member may participate in a meeting by an electronic means that allows:
  - (1) all participating members; and
  - (2) all members of the public who are physically present at the meeting;  
to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.
- (C) For all meetings conducted electronically, at least one-third (1/3) of the members must be physically present at the place where the meeting is conducted, meaning that there must be at least two members.
- (D) For all meetings conducted electronically, all votes during the meeting must be taken by roll call vote.
- (E) Conducting meetings electronically does not affect the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.
- (F) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually.
- (G) The commission may adopt a policy to govern participation in the meetings of the commission or the board by electronic communication. The policy may do any of the following:
  - (1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.
  - (2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.
  - (3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action.
  - (4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.
  - (5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:
    - (a) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.
    - (b) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.
    - (c) Unless the meeting is an executive session, a statement that a location described in clause (b) above will be open and accessible to the public.
  - (6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter. This does not affect the right of the commission to exclude the public from an executive session in which a member participates by electronic communication.

(H) For purposes of Section 14.10.065, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

- (1) the member votes with the majority; and
- (2) the official action is adopted or defeated by one (1) vote.

**Section 3.** That this ordinance shall be effective from and after its passage and adoption, but not sooner than August 1, 2016, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 27<sup>th</sup> day of June 2016. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 25<sup>th</sup> Day of July 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

2. **Proposed Ordinance No. 1628:** An Ordinance to Amend Chapters 3.20, 12.20, and 12.30 of the Municipal Code to Clarify the lending Authority of the Water and Sewage Utilities and Enhancing the Administrative Recovery of Costs of Illicit Discharge Abatements, all Pursuant to IC 36-1-3, IC 36-1-6 and I.C. 8-1.5-3-12 et Sequitur.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Proposed Ordinance No. 1628. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and consideration at the same meeting of introduction for Ordinance No. 1628. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed at the same meeting of its introduction.

**ORDINANCE No. 1628  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO AMEND CHAPTERS 3.20, 12.20, AND 12.30 OF THE MUNICIPAL CODE TO CLARIFY THE LENDING AUTHORITY OF THE WATER AND SEWAGE UTILITIES AND ENHANCING THE ADMINISTRATIVE RECOVERY OF COSTS OF ILLICIT DISCHARGE ABATEMENTS, ALL PURSUANT TO IC 36-1-3, IC 36-1-6 AND I.C. 8-1.5-3-12 ET SEQUITUR.**

**WHEREAS**, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS**, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS**, The Town of Highland, through its Town Council, did establish by ordinance a Department of Waterworks, organized under IC 8-1.5-4 et seq., to provide potable water to the residents and customers served by it;

**WHEREAS**, The Town of Highland, through its Town Council, did establish by ordinance a Department of Public Sanitation, organized under IC 36-9-25 et seq., to provide wastewater treatment/collection and storm water management services to the residents and customers served by it;

**WHEREAS**, IC 8-1.5-3-12 provides for the making of loans by the municipal Utility to the civil government of the municipality; and,

WHEREAS, IC 36-9-25 sections 32 and 39 provide for the sewage utility to issue tax anticipation warrants for its operating funds and to provide for temporary loans to itself;

WHEREAS, IC 8-1.5-3-11(f) provides for the making of loans by the municipal Utility to other utilities of the municipality provided that an ordinance of municipal legislative body has established a cash reserve fund and then authorizes the making of loans between the utilities; and

WHEREAS, The Town Council has been advised that the Public Works Director has made orders and purchases which were to be paid from the proceeds of a Bond Issue of the Sanitary District, which has been authorized but not yet ready for sale; and,

WHEREAS, The Town of Highland, through its Town Council finds and determines that to authorize that loans may be made between the two utilities of the municipalities, and that the civil government may make loans to its utilities should the need arise to be powers necessary and desirable in the conduct of its affairs; and

WHEREAS, The Town Clerk-Treasurer has advised that there is a need to add provisions to clarify lending and loans between and among the civil government and its utilities, as presently set forth in Chapter 3.20;

WHEREAS, The Town of Highland, through its Town Council now desires to that loans may be made between the two utilities of the municipalities, and that the civil government may make loans to its utilities should the need arise,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Chapter 3.20 of the Highland Municipal Code is hereby amended to add a **new section**, to be styled as 3.20.055, which shall be identified and read as follows:

**3.20.055 Loans from the water utility to the civil government or the Sanitary District.**  
The board of waterworks directors may by resolution lend money to the municipality and the sanitary district pursuant to the provisions set forth in Section 12.05.050 of this Code.

**Section 2.** That Section 3.20.050 of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor section, to be styled as 3.20.050, which shall be identified and read as follows:

**3.20.050 Loans from the sanitary district to the civil government.**  
(A) In addition to its authority for making loans and borrowing as set forth in IC 36-9-25-32, 36-9-25-33 and 36-9-25-39, the board of sanitary commissioners may authorize by resolution that funds of sewage works may be used to make loans to the town of Highland, pursuant to the provisions set forth in Section 12.10.120 of this Code. ~~provided the following:~~

~~(1) The sewage utility has on deposit to the fund or funds from which a loan may be made, unobligated cash balance(s) in the amount necessary for the loan;~~

~~(2) The sewage utility has also on deposit to the fund or funds from which a loan may be made the amount necessary to meet current expenses during the year;~~

~~(B) A loan made by the board to the town of Highland:~~

~~(1) Must be evidenced by an obligation of the municipality to which the loan is made;~~

~~(2) Must be signed by the executive;~~

~~(3) May not be for a period of greater than five years; and~~

~~(4) May bear interest at any rate as determined by the board, payable at maturity. [Ord. 1364 B 2, 2007. Code 2000 § 171.85].~~

**Section 3.** That Section 3.20.060 of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor section, to be styled as 3.20.060, which shall be identified and read as follows:

**3.20.060 Loans from the sanitary district to the municipal water utility.**  
(A) ~~There is hereby established for the municipal wastewater/storm water utility a cash reserve fund as provided in IC 8-1.5-3-11, that shall be carried on the records of the utility by providing for either monthly contributions or transfers to the cash reserve fund of surplus earnings of the utility, as may be identified by the board of sanitary commissioners.~~

~~(B) "Surplus earnings" shall be defined as those cash earnings remaining after provision has been made to take care of current obligations, including expenses of the sewage operating and maintenance fund, the sewage~~

~~improvement fund, the special sanitary district operating fund and the special sanitary district bond and interest fund, and any other priority fund requirements that may be fixed by law.~~

~~(C) The funds on deposit to the credit of the fund created by this section may be used to make loans to department of waterworks as a utility also owned by the town of Highland, for periods not to exceed five years, at any interest rate. The repayment of the loan and interest shall be returned to the cash reserve fund. [Ord. 1364 § 2, 2007. Code 2000 § 171.86].~~

The board of sanitary commissioners may authorize by resolution that funds of sewage works may be used to make loans to the municipal water utility, pursuant to the provisions set forth in Section 12.10.130 of this Code.

Section 4. That Chapter 12.10 of the Highland Municipal Code is hereby amended to add three new sections, which shall be identified as 12.10.110, 12.10.120, and 12.10.130 and read as follows:

**12.10.110 Sanitary District Sewage Cash Reserve Fund.**

(A) There is hereby established for the municipal wastewater/storm water utility a cash reserve fund as provided in IC 8-1.5-3-11, that shall be carried on the records of the sewage utility by providing for either monthly contributions or transfers to the cash reserve fund of surplus earnings of the utility, as may be identified by the board of sanitary commissioners.

(B) "Surplus Earnings" shall be defined as those cash earnings remaining after provision has been made to take care of current obligations, including expenses of the sewage operating and maintenance fund, the sewage improvement fund, the special sanitary district operating fund and the special sanitary district bond and interest fund, and any other priority fund requirements that may be fixed by law.

(C) The funds on deposit to the credit of the fund created by this section may be used to make loans according to the provisions of this Code.

**12.10.120 Loans from the sanitary district to the civil government.**

(A) In addition to its authority for making loans and borrowing as set forth in IC 36-9-25-32, 36-9-25-33 and 36-9-25-39, the board of sanitary commissioners may authorize by resolution that funds of sewage works may be used to make loans to the town of Highland, provided the following:

- (1) The sewage utility has on deposit to the fund or funds from which a loan may be made, unobligated cash balance(s) in the amount necessary for the loan;
- (2) The sewage utility has also on deposit to the fund or funds from which a loan may be made the amount necessary to meet current expenses during the year;

(B) A loan made by the board to the town of Highland:

- (1) Must be evidenced by an obligation of the municipality to which the loan is made;
- (2) Must be signed by the executive;
- (3) May not be for a period of greater than five years; and
- (4) May bear interest at any rate as determined by the board, payable at maturity.

**12.10.130 Loans from the sanitary district to the municipal water utility.**

(A) The funds on deposit to the credit of the sewage cash reserve fund established by Section 12.10.110 may be used to make loans to department of waterworks as a utility also owned by the town of Highland, for periods not to exceed five years, at any interest rate that the board may determine.

(B) The loan shall be evidenced and carried out in the same manner as provided in Section 12.10.120(B). The repayment of the loan and interest shall be returned to the cash reserve fund.

Section 5. That subdivision (A) Section 12.20.050 of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor subdivision to the section, to be styled as 12.20.050 (A), which shall be identified and read as follows:

**12.20.050 Billing and collection of charges and rates.**

(A) Sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter 12.05 of this Code. ~~bimonthly or at such times as may be determined hereafter by the board at the same time as water service bills of the municipal water utility of the town are, or may from time to time be, rendered and~~ Service Bills shall be payable at the same time as water service bills of said utility are payable. Such sewage service bills shall be based upon the rates and charges for the

use of and service rendered by the sewage works, as described in this chapter. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners; but such billings shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the district for the purpose of determining whether such rates and charges have been paid by such tenants; provided, that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

**Section 6.** That subdivision (C) of Section 12.30.140 of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor subdivision, to be styled as subdivisions (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), and (M) of Section 12.30.140, which shall be identified and read as follows:

**12.30.140 Enforcement and notice.**

(C) A notice of violation shall set forth a reasonable **opportunity of at least ten (10) days but not more than sixty (60) days** ~~time limit~~ within which to complete such remediation or restoration.

(D) The notice of violation shall further advise that, should the violator fail to comply with the provisions contained therein, any ordered activity may be performed by the authorized enforcement agency and the expense thereof shall be charged to the violator.

(E) The expenses of the enforcement agency shall constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

- (1) ten thousand dollars (\$10,000) for real property that is unimproved or contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
- (2) twenty thousand dollars (\$20,000) for all other real property not described in Section 12.30.140(E)(1).

(F) The enforcement agency may issue a bill to the owner of the real property for the costs incurred by it in bringing the property into compliance with this chapter, including administrative costs and removal costs.

(G) A bill issued under this section is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.

(H) Whenever the enforcement agency determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare a list of delinquent fees and penalties that are enforceable under this chapter, including:

- (1) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;
- (2) a description of the premises, as shown on the records of the county auditor; and
- (3) the amount of the delinquent fees and the penalty; or an instrument for each lot or parcel of real property on which the fees are delinquent.

(I) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.

(J) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the proper fund of the enforcement agency.

(K) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the enforcement agency shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

(L) The enforcement agency shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(M) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

**Section 7.** That Section 12.30.170 of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor subdivision, to be styled as Section 12.30.170, which shall be identified and read as follows:

**12.30.170 Abatement of the violation – Violator’s liability.**

(A) A violator shall be liable to the authorized enforcement agency for any expense incurred for an action taken pursuant to this chapter. The authorized enforcement agency shall provide the violator with an itemized calculation of the expense of abatement within a reasonable time following abatement. Within 10 days following receipt of said notice, the property owner may file a written objection to the notice of expense. The authorized enforcement agency shall conduct a hearing within 15 days from the date of receipt of the objection. At the hearing, the authorized enforcement agency shall reconsider calculation of expense.

(B) Expenses determined hereunder shall be **enforced and collected pursuant to the provisions of Section 12.30.140 of the Code and I.C. 36-1-6.** ~~assessed against the premises and shall constitute a lien against the premises. The assessment shall be paid in not more than 12 equal payments with interest at the rate of 10 percent per annum on the unpaid balance.~~

**Section 8.** That this ordinance shall be effective from and after its passage and adoption, but not sooner than August 1, 2016, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 25<sup>th</sup> day of July 2016. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 25<sup>th</sup> Day of July 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

3. **Works Board Order No. 2016-26:** An Order Approving, and Authorizing a Settlement and Release between the Town of Highland and Nicole Burrus, pursuant to IC 34-13-3-16 and IC 36-1-4-17.

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-26. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2016-26**

**AN ORDER APPROVING, AND AUTHORIZING A SETTLEMENT AND RELEASE BETWEEN THE TOWN OF  
HIGHLAND AND NICOLE BURRUS, PURSUANT TO IC 34-13-3-16 AND IC 36-1-4-17**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, IC 36-1-4-17, and IC 34-13-3-16, authorize in pertinent part that a governing body of a political subdivision may compromise and settle a claim brought against the political subdivision or its employees;

**WHEREAS**, The Town Council is reliably informed by the Town Attorney and the Police Chief regarding an incident occurring under Case #16-5687, in which the personal property of Nicole Burrus was misplaced;

**WHEREAS**, It is recommended by the Police Chief and the Town Attorney that a settlement payment in the amount of four hundred forty dollars (\$440.00) be paid to indemnify Nicole Burrus for the misplacement and loss of personal property;

**WHEREAS**, It is in the interest of operational and administrative economy as well as in the best interest of the municipality to render a settlement for this loss of property with an associated release foreclosing further action; and

**WHEREAS**, The Town Council now desires to approve and authorize the settlement and release agreement, and indemnify Nicole Burrus for the property misplacement,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality as well as the governing body of the municipality:

**Section 1.** That the Works Board hereby finds and determines that the terms and provisions of the *release and indemnity agreement* to be reasonable and approved in each and every respect (Agreement affixed as an exhibit to this order);

**Section 2.** That the Works Board further hereby finds and determines that the identified sum for payment to Nicole Burrus as indemnitor, in the amount of four hundred forty dollars (\$440.00), to be reasonable and acceptable for the purposes of settlement;

**Section 3.** That the Works Board still further finds and determines it hereby to be in the interest of operational and administrative economy as well as in the best interest of the municipality to approve a settlement for this loss of property with an associated release foreclosing further action;

**Section 4.** That the proper officers are now authorized and approved to execute the indemnity agreement, that the Clerk-Treasurer must identify proper resources to support the purposes of this order and be authorized to make payment according its terms;

**Section 5.** That a copy of this order and the accompanying settlement agreement shall be filed as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

**Be it So Ordered.**

**DULY, PASSED, ADOPTED AND Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25<sup>th</sup> day of July 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

RELEASE  
(Read Carefully Before Signing)

KNOW ALL MEN BY THESE PRESENCE, that I, NICOLE BURRUS (hereinafter referred to as "Burrus") of 18823 Park Avenue, Lansing, IL 60438, for in and in consideration of the payment of Four Hundred and Forty Dollars (\$440.00) paid to Burrus by the Town of Highland and Highland Police Department (hereinafter collectively referred to as "Highland"), do hereby release and absolutely and forever discharge Highland, its employees, agents, successors and assigns, together with all other persons, corporations, associations and partnerships, from all claims, demands, debts, suits, actions and causes of action, and for any damages, at law or in equity, and however arising out of, on account of, or in any growing out of the incident dated June 25, 2016 under Case# 16-5687 in which Burrus's jewelry was misplaced.

I warrant that no promise or inducement not herein expressed has been made to me and that in executing this Release I am not relying upon any statement made by any other party released or their agents or attorneys concerning the nature, extent, or duration of any losses and damages or legal liability therefor, or concerning any other thing or matter. It is understood and agreed that the above mentioned payment is not to be construed as an admission of liability, but that said payment is made and accepted in full accord and satisfaction of, and in compromise of, a disputed claim, and for the purpose of termination any dispute and litigation between the parties.

This Release shall ensure to the benefit of and be binding upon the heirs, executors, administrators, successor's and assigns of the parties hereto.

This Release shall be governed by and construed in accordance with the laws of the State of Indiana.

I warrant that I am of full age and I am legally competent to execute this Release, and before signing and delivering this Release, I have fully informed myself of its contents and meaning, and I now execute this Release with full knowledge thereof.



**Section 7.** This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

**Section 8.** That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements.

**Section 9.** That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 25<sup>th</sup> day of July 2016. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W.Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

#### **INTERGOVERNMENTAL AGREEMENT**

This Interlocal Governmental Agreement made and entered into in accordance with I.C. 36-1-7 by and between the TOWN OF HIGHLAND (hereinafter called "Town") and the SCHOOL TOWN OF HIGHLAND (hereinafter called "School Town"), both municipal and corporations organized and operating under the laws of the State of Indiana.

#### **WITNESSETH THAT:**

**WHEREAS**, the Town desires to provide a Town of Highland Police Officer to the School Town to serve in the capacity as School Resource Officer to instruct both the G.R.E.A.T. curriculum and the Officer Friendly program, and to perform other related duties.

#### **THEREFORE, IT IS AGREED AS FOLLOWS:**

1. The Town agrees to provide to the School Town the service of one (1) Highland police officer to serve as a School Resource Officer. The purpose of the School Resource Officer will be to minimize the potential for hate crimes/bullying, alcohol and drug-related use, gang-related activities, and disruption and/or criminal behavior in and around schools, such as theft, vandalism, truancy, etc. in the most effective and efficient manner possible. Said officer, who shall remain an employee of the Town, shall provide services as presented in a School Resource Officer Job Description, a copy of which is on file with the Town and the School Town. Said job description may be amended from time to time by a written amendment to this Agreement signed by representatives of both parties.

2. In consideration of the same, the School Town agrees to pay for said services in accordance with the terms of this Agreement the amount of **\$73,441.74 for a period of 180 days** during the **2016-2017** school year. The basis for said compensation to the Town is presented as an exhibit to this agreement incorporated herein by reference. The School Town's compensation shall be paid in two (2) equal installments, as follows:

- (A) the first being due on or before December 31, 2016;
- (B) the second payment being due on or before June 30, 2017.

3. The Clerk-Treasurer of the Town shall be authorized to execute the duties of receiving payments from the School Town as described in paragraph two (2) and of disbursing and accounting for all such monies in a manner consistent with the terms of this Agreement.

4. The School Resource Officer will be assigned on a full-time basis to the School Town the equivalent of up to one hundred eighty (180) days during the school year. The School Town will only be financially responsible for the equivalent number of days actually worked by the School Resource Officer.

5. The School Resource Officer will wear clothing that will easily identify him or her as a police officer.

6. The School Resource Officer will not take personal time off when school is in session. If sick, he must notify the receptionist at the School Town Administration Center. A substitute may be assigned subject to mutual approval of the Police Chief and the School Superintendent.

7. Lunch must be eaten in a School Town cafeteria unless prior arrangements have been made with the Superintendent/designee.

8. The Town will assume all costs and responsibility of initial and ongoing training associated with the School Resource Officer position. Any vehicle or additional equipment or expenses necessary for the program shall be paid for by the Town.

9. The Town shall be responsible for selecting the police officer to serve as the School Resource Officer, subject to the consent and approval of the School Town. The School Town has final authority on the content of all instructional materials used by the School Resource Officer.

10. The administration of the terms of this Agreement shall supersede any previous Agreement and shall be accomplished through the Superintendent of the School Town or designee and the Chief of Police or designee.

11. Any other provision of this Agreement to the contrary notwithstanding this Agreement may be changed or modified only with the written consent of both parties.

12. All notices or communications provided herein shall be in writing and delivered either in person or via certified or registered United States mail, return receipt requested, and with the proper postage prepaid, addressed to the party for whom such notice or communication is intended.

13. Should any part, term, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining portion or provisions shall not be affected thereby.

14. No failure or delay in performance of the executed service Agreement by either party shall be deemed to be a breach when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, the binding order of any court or governmental authority, or any other cause, whether of the kind enumerated above or otherwise, not within the control of the party claiming suspension, actually provided that no cause or contingency shall relieve the School Town of its obligation to make payment for the services of the School Resource Officer programs actually provided by the Town.

15. This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

16. Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded; the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I. C.36-1-7-6.

**Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C.36-1-7-2.

**IN WITNESS WHEREOF,** the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN OF HIGHLAND, INDIANA  
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council

By: \_\_\_\_\_  
Bernie Zemen, Town Council President

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

Participant Execution Date: \_\_\_\_\_

Approved as to Legality and Form:

\_\_\_\_\_  
Rhett L. Tauber, Attorney

**Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

**IN WITNESS WHEREOF, the** parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

SCHOOL TOWN OF HIGHLAND, INDIANA  
9145 Kennedy Avenue, Highland, Indiana 46322

Through its Board of Trustees

By: \_\_\_\_\_  
Luanne Jurczak, President

Attest:

\_\_\_\_\_  
Carol Green-Fraley, Secretary

Participant Execution Date: \_\_\_\_\_

Approved as to Legality and Form:

\_\_\_\_\_  
Rhett L. Tauber, Attorney

**Assumed Cost for School Resource Officer  
2016-2017  
Exhibit**

	2016	2017
<b>Salary</b>		
Assigned officer's Sergeant base Salary	\$65,065.52	\$66,692.16 *
Assigned officer's longevity	\$2,620.80	\$2,662.40 #
One Time Pay Premium		
<b>Subtotal:</b>	<b>67,686.32</b>	<b>69,354.56</b>
 <b>Benefits</b>		
Medical Insurance (Family coverage)	\$19,344.96	\$21,279.46 **
Dental Insurance	\$1,507.92	\$1,507.92 **
Life Insurance (.158 per \$1000 of gross payroll, up to \$50k)	\$94.80	\$94.80
Dependent life insurance coverage (\$1.50/mo)	\$18.00	\$18.00
Medicare	\$981.45	\$1,005.64
Employer Contribution to PERF	\$13,376.41	\$11,936.89 ***
Workers Compensation Insurance (2.87/\$100 salary)	\$1,942.60	\$1,990.48
Law Enforcement Liability Insurance (no discrete premium)		
<b>Subtotal Benefits:</b>	<b>\$37,266.14</b>	<b>\$37,833.18</b>
<b>Grand Total:</b>	<b>\$104,952.46</b>	<b>\$107,187.74</b>

Instruction Days: 180		
School Year Days: 260		
* Assumes an 2.5% increase	<b>2016</b>	<b>2017</b>
** Assumes a 10% increase	<i>Daily rate based upon 260 days</i>	
	\$ 403.66	\$ 412.26
<i>School Compensation for 2016-2017 School Year:</i>		
<b>FIRST SEMESTER:</b> 2016 Days Students are in School = 89 based upon school calendar		
<i>Daily rate: =(\$104,952.46/260) = \$403.66</i>	Semester 1:	<u>\$ 35,926.03</u>
<b>SECOND SEMESTER:</b> 2017 Days Students are in School = 91		
<i>Daily rate: (\$107,187.74/260) = \$412.26</i>	Semester 2:	<u>\$ 37,515.71</u>
*** PERF Employer is 19.7% in 2016 but is 17.2% in 2017	<b>School Total:</b>	<b>\$ 73,441.74</b>
1st Installment Due by December 31, 2016:		<b>\$ 36,720.87</b>
2nd Installment Due by June 30, 2017:		<b>\$ 36,720.87</b>

# Longevity changed in 2016 modified each year of service with 28 yrs and 29 in 2017

5. **Proposed Ordinance No. 1629:** An Ordinance to Authorize the Lake County First US Flag Display Legacy Project, a Project to Celebrate the Indiana Bicentennial of Indiana Statehood and to Establish the Special Indiana Bicentennial Legacy Project Fund, pursuant to IC 36-1-3 and I.C. 36-10-2 et seq.

Councilor Vassar introduced and moved the consideration at the same meeting of introduction of Proposed Ordinance No. 1629. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and consideration at the same meeting of introduction for Ordinance No. 1629. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed at the same meeting of its introduction.

**ORDINANCE NO. 1629  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO AUTHORIZE THE LAKE COUNTY FIRST US FLAG DISPLAY LEGACY PROJECT, A PROJECT TO CELEBRATE THE INDIANA BICENTENNIAL OF INDIANA STATEHOOD AND TO ESTABLISH THE SPECIAL INDIANA BICENTENNIAL LEGACY PROJECT FUND, PURSUANT TO IC 36-1-3 AND I.C. 36-10-2 ET SEQ.**

**WHEREAS,** IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS,** IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

**WHEREAS,** IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

**WHEREAS,** IC 36-10-2-4 provides that a unit may establish, aid, maintain and operate ... cultural, historical facilities and programs;

**WHEREAS,** The State of Indiana established the Indiana Bicentennial Commission and the 92 County Bicentennial Committees encouraged the development of projects that could be conducted to commemorate the 200<sup>th</sup> Anniversary of Indiana Statehood, December 11, 2016;

**WHEREAS,** The Lake County Bicentennial Committee developed a successful commemorative project, styled the Indiana First US Flag Display Legacy Project, which involves the elected and appointed officials of the 19 cities and towns as well as the government of Lake County to cooperate in the display of the first US Flag that displayed the star which represented Indiana as a state;

**WHEREAS,** The Highland Clerk-Treasurer filed the application for the project and the Indiana Bicentennial Commission granted legacy project status, fir the display of the 1818 Flag of the United States of America, by Lake County and its 19 cities and towns;

**WHEREAS,** There are acquisition costs for the initial 1818 Flags and the associated legacy project signs for all the participants in the commemorative project, and in the interest of administrative economy, the Highland Clerk-Treasurer managed the project on behalf of Lake County and its 19 cities and towns;

**WHEREAS,** In the further interest of administrative economy, rather than resort to the provisions of IC 36-1-7, it is determined that the ways and means of the Lake County Indiana First US Flag Display Project may be rendered by resort to the powers set forth in IC 36-1-3 and IC 36-10-2 and the provisions set forth in this ordinance;

**WHEREAS,** The Town Council has determined that it would be desirable to establish a special fund to support the execution of this Bicentennial Commemorative Project; and

**WHEREAS,** The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

**WHEREAS,** It would be and is in the best interest of the Town of Highland to enact an ordinance to advance the Lake County Bicentennial Committee's commemorative project, styled the Indiana First US Flag Display Legacy Project, to commemorate the 200<sup>th</sup> Anniversary of Indiana Statehood,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Lake County Bicentennial Committee's successful commemorative project, styled the Indiana First US Flag Display Legacy Project, which involves the elected and appointed officials of the 19 cities and towns as well as the government of Lake County to cooperate in the display of the first US Flag that displayed the star which represented Indiana as a state is hereby affirmed as a project that may be coordinated by the proper officer of the Town of Highland;

**Section 2.** That the Town Council further finds, determines, affirms and concurs in the action of the Indiana Bicentennial Commission that this project will raise awareness of the Indiana 200<sup>th</sup> Anniversary of Statehood, promote civic pride, and promote comity between and among the several cities, towns and the county governments all instituted to serve the people of Lake County;

**Section 3.** That the Town Council still further finds, determines, affirms and approves the following plan for implementation:

- (A) Each city and town plus the Lake County agree to hoist the 1818 Flag at noon or on August 5, 2016, which commemorates the 200<sup>th</sup> anniversary of the of the first free elections statewide for Indiana's first Governor and county officials under the First State Constitution, which is a step necessary for Statehood;

- (B) That on December 11, 2016, each city and town plus Lake County commit to retiring the 1818 Flag and then cause the retired flag to be framed or similarly suitably enshrined and place it on conspicuous, permanent display in your administrative building, to be accompanied by a plaque that states:

*"This 1818 Flag of the United States of America, the first Flag of the United States to display a star representing Indiana, was flown by the County of Lake and its 19 cities and towns from August 5, 2016 to December 11, 2016 to commemorate the 200th Anniversary of Indiana Statehood."*

- (C) That each city and town and the county of Lake, pursuant to their powers under IC 36-1-3 and IC 36-10-2, cause a contribution to be made to the Town of Highland to support the costs associated with the project in an amount identified in an exhibit adopted and incorporated into this ordinance;

- (D) That the Clerk-Treasurer is authorized to send appropriate documentation to Lake County its cities and towns including an invoice if desirable;

**Section 4.** That there is hereby authorized and established a special purpose fund to support the Lake County Committee's Indiana Bicentennial Project associated with the display of the 1818 United States Flag by Lake County and its 19 cities and towns as follows:

*SPECIAL INDIANA BICENTENNIAL LEGACY PROJECT FUND*

- (A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the *Special Indiana Bicentennial Legacy Project Fund*, pursuant to IC 36-1-3 et seq., and I.C. 36-10-2 et seq.;

- (B) The *Special Indiana Bicentennial Legacy Project Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and commemorative purposes as are identified in this ordinance;

- (C) The sources of funding for the *Special Indiana Bicentennial Legacy Project Fund* includes the following:

1. The particular contributions identified in Section 3 of this ordinance, to support the costs associated with the project in an amount identified in an exhibit adopted and incorporated into this ordinance and such other costs as may occur associated with the project;
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. Gifts, donations and other voluntary contributions from any person, corporation, association or governmental entity to the fund consistent with the lawful purposes and objects of the fund;
4. Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant;
5. Such earnings if any that may be experienced from the sale of 1818 Flags and associated items;

- (D) *Special Indiana Bicentennial Legacy Project Fund* is subject to the same appropriation process as other funds of the municipality and resources of the municipality may be used to support the costs associated with the appropriations process.

- (E) The *Special Indiana Bicentennial Legacy Project Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended, the project for which it was created ends or is abandoned or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

- (F) Expenditures from the *Special Indiana Bicentennial Legacy Project Fund* shall only be used for the following purposes:

1. To pay and reimburse for expenses related to the Lake County Bicentennial Committee's commemorative project, styled the Indiana First US Flag Display Legacy Project;
2. To purchase equipment, supplies and items to support the project identified herein, including items for re-sale, and such other expenses as may be lawfully expended and reasonably related to the purposes of this ordinance;
3. To make contributions to Lake County Historical Societies, or related groups, to county and local governments, or related agencies; and,
4. To pay fees or licenses or refunds provided such expenditures are consistent with the purposes of this ordinance;

(G) Expenditures from the *Special Indiana Bicentennial Legacy Project Fund* may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4, subject to Section (H) of this ordinance;

(H) That pursuant to IC 36-5-4-12(b)(13) any payments or expenditures authorized by this ordinance are hereby further authorized and defined as payments that may be made in advance of allowance by the Town Council, provided that all other provisions of IC 36-5-4-6 are observed in the processing of the claim;

(I) Money in the *Special Indiana Bicentennial Legacy Project Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

(J) All unused and unencumbered cash on deposit to the credit of the *Special Indiana Bicentennial Legacy Project Fund* does not revert to the corporation general fund nor to any other fund but shall remain with the *Special Indiana Bicentennial Legacy Project Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

(K) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, and purposes for which the fund was created have been achieved or abandoned the municipal fiscal officer shall be authorized to retire and defease the fund, following completion of the required audit by the State Board of Accounts.

**Section 5.** This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 25th day of July 2016. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 25<sup>th</sup> day of July 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Bernie Zemen, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO**  
**Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

EXHIBIT

LAKE COUNTY Indiana FIRST US FLAG DISPLAY LEGACY PROJECT

Units	Description	Price	Total	Alternative One
20	American Nyl-Glo Flag All Weather Display 5ft x 8ft Sewn Stars	\$ 105.06	\$ 2,101.20	
20	After discount	\$ 87.55	\$ 1,751.00	\$ 1,751.00
	Griffin Family Gift			\$ (500.00)
20	Outdoor Signs to explain the flag	\$ 17.50	\$ 350.00	\$ 350.00
20	Stands	\$ 3.00	\$ 60.00	\$ 60.00
<b>Budget Total</b>				<b>\$ 1,601.00</b>
Participant Share				<b>\$ 80.05</b>

**Comments or Remarks from the Town Council:**

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak expressed Happy Birthday wishes to the Town Council President and the Clerk-Treasurer.

Councilor Herak acknowledged the Public Works Director who reported on the median improvements for the Quiet Zone for the railroad crossing on South Kennedy Avenue, between 45<sup>th</sup> Avenue and Main Street, were installed and completed. The quiet zone designation to be come official he reported would require some letters to be transmitted to the Railroad and other entities. He would be readying those letters and transmitting them soon.

The Public Works Director also reported that he would be filing for the state matching grant for several road projects supported by the proceeds of the special one-time LOIT.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Recreation Director, who was in for the Parks and Recreation Superintendent, who reported on summer recreation programming and reported on the status of the pier reconstruction at the pond located at Meadows Park. He further noted that the Fall Program Brochure would be readied on August 17. Finally he reported that the Fitness Center had qualified as a so-called “Silver Sneaker” site, which makes certain senior citizens who use the site to have their fees supported by their insurance.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner acknowledged the Building Commissioner, who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Police Chief who mentioned the recent effort of a local girl selling lemonade to show support for the Police Officers generally in light of recent news accounts in Dallas of a shooter aiming for police.

Councilor Kuiper acknowledged the Fire Chief who mentioned the recent emergency response to 2320 Hart Road and the significant contributions made by the first four police officers that responded, while the Fire Department was enroute.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President thanked Councilor Herak for his birthday wishes.

The Town Council President acknowledged the Building Commissioner, who offered a brief survey of matters pending with the Plan Commission.

The Town Council President acknowledged the Redevelopment Director, who reported on the recent completion of brochures that promoting the Blue Heron Rookery. She noted that completion of paving along the levee and the installation of fixed stand binoculars.

#### **Comments from Visitors or Residents:**

1. Mindy Trzeciak, 3038-97<sup>th</sup> Place, Highland, represented that she owned a dog grooming business in downtown Highland. She read aloud a letter in which she recounted her disappointment with her seeking a facade grant to support her relocation her business to the former ACE Hardware site, 8620 Kennedy, Highland. It was noted that the Redevelopment Commission was responding under its impression of the Town Council's policy to acquire the properties in the area of the arts district.

Ms. Trzeciak's project manager expressed his concern that his client was discouraged from filing a facade grant application.

2. Ross Kozora, Tiger Plumbing, identified he was Ms. Trzeciak's Dad and he inquired whether the application could be filed with the Redevelopment Commission.

A colloquy ensued between and among the Redevelopment Director, members of the Town Council and Ms. Trzeciak regarding the application process, the policy that the Redevelopment Commission was pursuing for the arts district along Kennedy Avenue, and the desire to support existing businesses. It was noted that Ms. Trzeciak should file the application and allow the usual process to ensue.

3. Carol Parker, 9506 Hook Street, Highland, identified herself as the President of the Seeberger Farms Community Association, expressed disappointment at the non responsiveness from the Developer regarding the upkeep and care of several lots. Ms. Parker sought assistance from the Town if it was possible.

The Building Commissioner advised that he would follow up with Ms. Parker regarding the matter.

4. Madeline Zart, 2723 – 43<sup>rd</sup> Street, Highland, indicated that she shared Ms. Parker’s view and supported her inquiry regarding the unkempt grass.
5. Ms. Parker, further inquired about her concerns about possible squatters in properties in the Seeberger Farms Development.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **July 12, 2016 through July 25, 2016** and the **payroll docket for July 08, 2016**. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$277,735.39; Motor Vehicle Highway and Street (MVH) Fund, \$14,024.13; Local Road and Street Fund, \$38,818.66; Law Enforcement Continuing Education, Training, and Supply Fund, \$537.00; Corporation Bond and Interest Non Exempt Fund, \$450,000.00; Information and Communications Technology Fund, \$5,053.39; Special Event Non Reverting Fund, \$695.71; 1925 Law Police Pension Fund, \$63,469.79; Municipal Cumulative Capital Development Fund, \$140,454.47; Traffic Violations and Law Enforcement Agency Fund, \$6,154.00; Corporation Capital Fund, \$620, 253.38; Public Safety Income Tax Fund, \$117,359.29; County Economic Development Income Tax Fund, \$8,86.60; Total: \$1,743,141.81.**

**Payroll Docket for payday of July 7, 2016:**

**Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$16,028.34; Building and Inspection Department, \$8,502.25; Metropolitan Police Department, \$128,655.01; Fire Department, \$3,459.80; Public Works Department (Agency), \$72,016.04 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$228,661.44.**

**Announcement of Study Session.** The Town Council President announced that the Town Council would be convening in an additional Study Session immediately following the plenary business meeting.

**Adjournment of Plenary Meeting.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 25, 2016 was adjourned at 8:07 O’clock p.m.

*Study Session.* The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular plenary meeting on Monday, July 25, 2016 at 8:15 O’clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Dan Vassar, Steve Wagner and Konnie Kuiper were present. Councilor Mark Herak was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Persons Attending:** Cecile Petro, Redevelopment Director was also present.

**General Substance of Matters Discussed.**

1. The Town Council and the Redevelopment Director discussed the recent public discussion in the plenary meeting just ended regarding the ACE Hardware site and clarifying the Town Council's guidance to the Redevelopment Department regarding the property.

The Redevelopment Director discussed whether it was the Town Council's desire to have the Redevelopment Commission continue to pursue acquisition of the building and site of the former Ace Hardware Store in Highland, 8630 Kennedy Avenue. The discussion included the complications that attended George Georgeff, Commander in the Highland Police Department, serving as realtor representing the owners of the former Ace Hardware site, during the property acquisition and negotiation.

Some members of the Town Council expressed the impression that the purchase of the 8630 Kennedy Avenue site was no longer an option available to the Redevelopment Commission as the realtor seemed to have a tentative option underway with Mindy Trzeciak, 3038-97<sup>th</sup> Place, as discussed during the plenary business meeting.

It was discerned that the Town Council affirmed continuing efforts to acquire properties in adjoining Kennedy Avenue for the development of a the Arts District. Further, if the sale of the Ace Hardware site somehow did not conclude

2. The Town Council and the Redevelopment Director discussed the status of certain properties designated for acquisition for which offers have been tendered but not yet concluded. It was noted that properties at 8620 Kennedy, 2711-2717 Condit and 8608 Kennedy have been tendered an offer of purchase. In the case of the Ace Hardware site, 8620 Kennedy, the offer was rejected. This is the property
3. The Redevelopment Director discussed the a recent Redevelopment Commission meeting with the developer, Re-Town, regarding ideas for the Arts District, one of which included the development of senior housing possibly near the site of 1<sup>st</sup> Street and the former Bult Oil area.
4. The Redevelopment Director and the Town Council discussed prospects related to the Highland Acres Allocation Area, near Main Street and Indianapolis Boulevard.

**Adjournment of Study Session.** There being no further business to be discussed, the Study Session following the regular plenary meeting of the Town Council of Monday, July 25, 2016 was adjourned at 8:55 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer